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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,448	09/29/2000	Shawn D. Cartwright	CRTW-0004	3485

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George J. Awad  
WOODCOCK WASHBURN KURTZ  
MACKIEWICZ & NORRIS LLP  
One Liberty Place - 46th Floor  
Philadelphia, PA 19103

EXAMINER

HEWITT II, CALVIN L

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/676,448

Applicant(s)

CARTWRIGHT, SHAWN D.

Examiner

Calvin L Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 47, 48, 50, 52, 53, 55-61, 63-65, 67 and 68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 47, 48, 50, 52, 53, 55-61, 63-65, 67 and 68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

***Status of Claims***

1. Claims 47, 48, 50, 52, 53, 55-61, 63-65, 67, and 68 have been examined.

***Response to Amendments/Arguments***

2. "Happy Puppy Cheats" is valid prior art. NetGuide was a magazine that covered internet, computer and software related issues from 01 December 1994 to 31 August 1997. Netguide regularly contained a gaming section, Cyberguide:Games, authored by Adam Martini and Daniel Bubbeo. In the May96, vol. 3, issue 5, page 111, edition, authors Martini and Bubbeo reviewed and ranked www sites that offered information on various games. In particular, they highlighted a website called Happy Puppy Cheats & Hints, [happypuppy.com/games/faqcht/index.html](http://happypuppy.com/games/faqcht/index.html), that offered cheats, FAQs and "walk throughs" of about 100 popular titles. The Examiner would like to point out that the newly cited references (EBSCO HOST research database-web7.epnet.com and "The Wayback Machine"- webarchive.org) are being provided only to establish the existence of the Happy Puppy Cheats website prior to the present application.

Applicant's arguments with respect to claims 47, 48, 50, 52, 53, 55-61, 63-65, 67, and 68 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 47, 48, 50, 52, 53, 55-61, 63-65, 67, and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez et al., 6,119,229 in view of happypuppy.com and Angles et al., U.S. Patent No. 6,385,592.

As per claims 47, 48, 50, 52, 53, 55-61, 63-65, 67, and 68, Martinez et al. teach a computer transaction system for obtaining digital objects within a gaming environment over a communications network (column 3, lines 1-50; column 4, lines 32-64; column 8, lines 13-48; column 29, lines 29-60). Martinez et al. also teach:

- tracking, tallying and storing the executed transactions relating to the (column/line 15/42-16/17; column/line 16/47-18/9; column/line 20/20-21/11; column 21, lines 58-67)
- receiving requests for, obtaining, accessing (through the execution of a transaction) and activating data that can be used within a gaming environment (column 8, lines 30-40; column/line 10/57-11/16; column 13, lines 29-36)
- transaction related billing and communicating bill amounts to a cooperating computing environment (column/line 8/51-9/54; column 16, lines 12-16; column/line 19/22-20/20)
- billing on a per user basis (column 6, lines 38-67)
- displays account in real-time while game is being played (figure 5; column 11, lines 8-16)

Regarding associating the number of executed transactions to the identified game, Martinez et al. teach that every transaction is logged and that the log can be used to restore databases should data become corrupt or lost. Hence, it is at least obvious that transactions are identified with the game in order to properly associate users with their objects (column/line 10/13-11/57; column 20, lines 21-67). Martinez et al. also recite a plurality of billing models (column 19, lines 21-59). Therefore, it would have been obvious to one of ordinary skill to manage

accounts on a per-transaction or per-user basis. Regarding billing based on the set of rules being accessed it would have been obvious to one of ordinary skill to charge different fees for the different game usable data offered by the Martinez et al. system (e.g. spells, abilities...etc.) (column 8, lines 17-25). However, Martinez et al. not explicitly recite obtaining a second set of rules that allows for cheating. Happy Puppy Cheats is a website that allows users to obtain computer game cheat codes while, Angles et al. teach a method and system for integrating user specific advertisements (e.g. offers) into a gaming environment (abstract; column/line 2/62-4/19; column/line 21/45-22/20). Angles also teaches a plurality of billing and payment models, such as each time a rule is triggered (i.e. advertisement is displayed) (column 16, lines 10-57). Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Martinez et al., Happy Puppy Cheats and Angles et al. in order to deliver customized advertising and allow users to make purchases in response to said advertisement in an interactive environment such as interactive games ('592, column 2, lines 48-62; column 4, lines 8-18; column 22, lines 6-20).

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.**

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
c/o Technology Center 2100

Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and  
after-final communications),

or:

(703) 746-5532 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application  
should be directed to the Group receptionist whose telephone number is (703)  
308-1113.

Calvin Loyd Hewitt II

March 11, 2003

*John W. Hayes*  
JOHN W. HAYES  
PRIMARY EXAMINER